

06/29/2004 TUE 10:52 FAX 215 766 2920 TPL

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on June 29, 2004
Date

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Signature

PATTI HESPELL

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1. 37 CFR 1.28(c) Notification (2 pgs.)
2. Fee Transmittal in duplicate (2 pgs.)
3. Express Abandonment Under 37 CFR 1.138 (1 pg.)
3. Certificate of Transmission (1 pg.)

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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T721-16

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CERTIFICATE OF MAILING (37 CFR 1.8(A))

PATENT

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Date: 6/29/04

Patti Hespell

Patti Hespell

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION/SERIAL NUMBER	FILING DATE	PATENT NUMBER
09/742,506	21 DEC 2000	T721-16
FIRST NAMED INVENTOR	ART UNIT	
ELDERING	2614	
INVENTION		EXAMINER
INTERNET-BASED ELECTRONIC PROGRAM GUIDE ADVERTISEMENT INSERTION METHOD AND APPARATUS		SHELEHEDA, JAMES R.

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

NOTIFICATION OF ERROR IN PAYMENT OF FEE(S)

AS A SMALL ENTITY (37 CFR 1.28(c))

The above noted patent application was filed and prosecuted as a small entity. While the assignee of the patent application is and has always been a small entity (Expanse Networks, Inc is the current assignee of the complete interest), a license was granted to Next Level Communications, Inc for the period of time from December 15, 1999 to January 15, 2002. Applicants erroneously believed that the patent application was still entitled to small entity status during this time frame. Applicant has recently discovered that the license to Next Level Communications, Inc. (possibly a large entity for at least a portion of this time) may have affected their small entity status during this time frame.

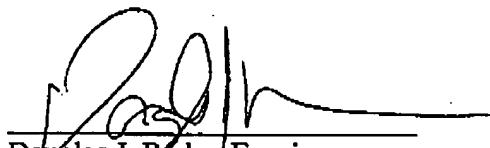
Accordingly, Applicant has diligently gathered data related to fees paid as a small entity during the term of the license. The table on the next page summarizes for each applicable action (item and date) the fees paid as a small entity, the current large entity fee, and the current amount owed as a result of small entity payment error.

The above noted patent application is currently entitled to small entity status.

Item	Date	Small Entity Fee Paid	Current Large Entity Fee	Amount to be Paid
Utility Application Filing Fee	12/21/00	\$355	\$770	\$415
Amendment - Additional Claim Fees (14 Claims)	12/21/00	\$126	\$252	\$126
TOTAL				\$541

Please charge the above noted fees to Deposit Account 501535.

Respectfully submitted,



Date: June 29, 2004

Douglas J. Rydell, Esquire
Reg. No. 43,073

Expanse Networks, Inc.
6206 Kellers Church Road
Pipersville, PA 18947
Phone: (215) 766-2100
Fax: (215) 766-2920

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 541.00)

Complete if Known

Application Number	09/742,506
Filing Date	21 DEC 2000
First Named Inventor	ELDERING
Examiner Name	SHELEHEDA, JAMES R.
Art Unit	2614
Attorney Docket No.	T721-16

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number
501535
Deposit Account Name
EXPANSE NETWORKS, INC.

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)		37CFR 1.28(c) Notification	541.00
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$)	541.00

*or number previously paid, if greater; For Reissues, see above

(Complete if applicable)				
Name (Print/Type)	Signature		Registration No. (Attorney/Agent)	Telephone
Douglas J. Ryder			43,073	215-766-2100
Signature			Date	6/29/04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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EXPRESS ABANDONMENT UNDER 37 CFR 1.138		Docket Number (Optional) T721-16
In re Application of Eldering		
Application Number 09/742,506		Filed 21 DEC 2000
For INTERNET-BASED ELECTRONIC PROGRAM GUIDE ADVERTISEMENT INSERTION METHOD AND APPARATUS		
Group Art Unit 2614	Examiner Sheleheda, James R.	
<p>To Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p>I request that the above-identified application be expressly abandoned as of the filing date of this paper unless the box below is checked.</p> <p><input type="checkbox"/> I request that the above-identified application be expressly abandoned as of the filing date accorded the continuing application filed herewith.</p> <p>NOTE: A paper requesting express abandonment of an application is not effective unless and until an appropriate Office official recognizes the paper. MPEP 711.01.</p> <p>I am the</p> <p><input type="checkbox"/> applicant. <input type="checkbox"/> assignee of record of the entire interest. <input checked="" type="checkbox"/> attorney or agent of record. <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a) (May act only if the box above, stating that the application is expressly abandoned in favor of a continuing application, is checked.) Attorney or agent registration number if acting under 37 CFR 1.34(a)</p> <p>(Attorney or agent registration number)</p> <p> Signature</p> <p>DOUGLAS J. RYDER, Reg. No. 43,073</p> <p>29-Jun-2004 Date</p> <p>Typed or printed name</p>		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.